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OFFICE OF PETITIONS

In re Application of :
Carl et al. :
Application No. 10/601,014 : **DECISION ON PETITION**
Filed: June 20, 2003 :
Attorney Docket No. 49386 CON (71995) :

This is a decision on the petition, filed March 18, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a proper reply to the final Office action mailed August 17, 2010, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed March 15, 2011.

Petitioner asserts that a proper reply was timely filed on February 17, 2011, which included the following papers: a three (3) month extension of time and fee of \$555, a Notice of Appeal and fee of \$270 and an Amendment in response to the final Office action dated August 17, 2010.

A review of the file record does in fact indicate that a three month extension of time, a Notice of Appeal and an Amendment in response to the final Office was timely received by the Office on February 17, 2011, therefore rendering the reply proper.

In view of the above, the holding of abandonment for failure to timely file a proper reply to the Office action of August 17, 2010, is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3733 for appropriate action in the normal course of business on the reply filed February 17, 2011 and supplemented on March 18, 2011.

Telephone inquiries concerning this decision should be directed to Alicia Kelley-Collier at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions